

FALSE EMERGENCY REPORTING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill concerns the offense of emergency reporting abuse.

Highlighted Provisions:

This bill:

- ▶ amends provisions and penalties relating to the offense of emergency reporting abuse; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-202, as last amended by Laws of Utah 2017, Chapter 462

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **76-9-202** is amended to read:**76-9-202. Emergency reporting -- Interference -- False report.**

(1) As used in this section:

(a) "Emergency" means a situation in which property or human life is in jeopardy and



the prompt summoning of aid is essential to the preservation of human life or property.

(b) "Party line" means a subscriber's line or telephone circuit:

(i) that consists of two or more connected main telephone stations; and

(ii) where each telephone station has a distinctive ring or telephone number.

(2) ~~[A person]~~ An actor is guilty of emergency reporting abuse if the ~~[person]~~ actor:

(a) intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another ~~[person]~~ individual upon being informed that the telephone is needed to report a fire or summon police, medical, or other aid in case of emergency, unless the telephone is likewise being used for an emergency call;

(b) asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists;

(c) reports an emergency or causes an emergency to be reported to any public, private, or volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when the ~~[person]~~ actor knows the reported emergency does not exist; or

(d) makes a false report, or intentionally aids, abets, or causes a third party to make a false report, to an emergency response service, including a law enforcement dispatcher or a 911 emergency response service, if the false report claims that:

(i) an ongoing emergency exists;

(ii) the emergency described in Subsection (2)(d)(i) currently involves, or involves an imminent threat of, serious bodily injury, serious physical injury, or death; and

(iii) the emergency described in Subsection (2)(d)(i) is occurring at a specified location.

(3) (a) A violation of Subsection (2)(a) or (b) is a class C misdemeanor.

(b) A violation of Subsection (2)(c) is a class B misdemeanor, except as provided under Subsection (3)(c).

(c) A violation of Subsection (2)(c) is a second degree felony if the report is regarding a weapon of mass destruction, as defined in Section 76-10-401.

(d) A violation of Subsection (2)(d):

(i) except as provided in Subsection (3)(d)(ii), is a third degree felony; or

(ii) is a second degree felony if[;];

(A) while acting in response to the report, the emergency ~~[responders cause]~~ responder

causes physical injury to ~~[a person]~~ an individual at the location described in Subsection (2)(d)(iii)~~[-]; or~~

(B) the actor makes the false report or aids, abets, or causes a third party to make the false report to ambush, attack, or otherwise harm a responding law enforcement officer or emergency responder.

(4) (a) In addition to any other penalty authorized by law, a court shall order ~~[any person]~~ an actor convicted of a violation of this section to reimburse:

(i) any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation; and

(ii) ~~[any person]~~ an individual described in Subsection (3)(d)(ii) for the costs for the treatment of the physical injury and any psychological injury caused by the offense.

(b) The court may order that the defendant pay less than the full amount of the costs described in Subsection (4)(a) only if the court states on the record the reasons why the reimbursement would be inappropriate.